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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554
ORIGINAL

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MAY 26 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) RM _____
FM Broadcast Stations)
Kiawah Island, South Carolina)

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Ceder Carolina Limited Partnership ("Ceder"), licensee of FM broadcast Station WJYQ, Moncks Corner, South Carolina, by its attorneys, pursuant to Section 1.401 of the Commission's rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, by substituting Channel 288C2 for Channel 288A^{1/} and reallocoting Channel 288C2 to Kiawah Island, South Carolina.

As shown in the accompanying narrative and engineering statement, Channel 288C2 may be allotted to Kiawah Island, South

^{1/} On September 26, 1992, the license for Station WJYQ was modified to specify operation on Channel 287C3 in lieu of Channel 288A. Amendment of Section 73.202(b), 7 F.C.C.R. 6522 (Allocations Branch 1992). Although Ceder currently holds a construction permit for this improvement, no activation of this facility has been made to date.

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Carolina consistent with all pertinent Commission requirements.^{2/} Although the upgrade in class and channel substitution requested by this proposal is identical to that previously rejected by the Allocations Branch in MM Docket No. 91-127, this proposal differs for reasons explained in detail in the accompanying engineering statement. As set forth therein, a facilities change in another broadcast station allows the specification of a site which substantially resolves the issues which appear to underpin the previous decision. The new site will permit operation in full accord with Commission separation requirements and will provide full principal community contour service over the proposed community of license. Moreover, the community of Moncks Corner, South Carolina will continue to receive local transmission service from Station WMCJ(AM), licensed to Moncks Corner, and will receive protected interference-free 60 dBu service from Station WJYQ(FM) operating with its proposed improved facilities.

^{2/} It is requested that Channel 288C2 be allotted to Kiawah Island, South Carolina at the reference coordinates of 32° 43' 38" North Latitude, 80° 00' 05" West Longitude. This site is approximately 13 kilometers north-northeast of the center of Kiawah Island, South Carolina.

If the Commission grants Ceder's petition for modification of the allocation for Station WJYQ and channel substitution at Kiawah Island, Ceder has a present intention to file an application specifying the operation of Station WJYQ as a Class C2 facility at Kiawah Island, South Carolina.

WHEREFORE, for the reasons stated above, a rule making proceeding should be instituted to amend Section 73.202(b) to substitute Channel 288C2 for Channel 288A and realLOT Channel 288C2 to Kiawah Island, South Carolina.

Respectfully submitted,

CEDER CAROLINA LIMITED
PARTNERSHIP

By: Nancy A. Ory
Brian M. Madden
Nancy A. Ory
Its Attorneys

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
(202) 429-8970

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
CEDAR CAROLINA LIMITED PARTNERSHIP
ALLOT CHANNEL 289C2
KIAWAH ISLAND, SOUTH CAROLINA
April 1994

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
CEDAR CAROLINA LIMITED PARTNERSHIP
ALLOT CHANNEL 288C2
KIAWAH ISLAND, SOUTH CAROLINA
April 1994

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Cedar Carolina Limited Partnership ("Cedar"), licensee of WJYQ, Channel 288A, Moncks Corner, South Carolina.¹ Cedar proposes to substitute Channel 288C2 for Channel 287C3 at Moncks Corner and reallocate the improved channel from Moncks Corner to Kiawah Island, South Carolina, as that community's first local broadcast outlet.

BACKGROUND

2. In MM Docket #91-127, Cedar initially proposed the allotment of Channel 287C2 to Moncks Corner in substitution of Channel 288A. That request was filed in 1988 and was delayed from consideration due to conflicting rule makings that were under consideration at that time. In the interim, numerous other requests were filed which were mutually exclusive with Cedar's original request for Channel 287C2.

1) Cedar holds an outstanding construction permit to improve WJYQ to a C3 facility, File #BMPH-930511IB. To date, no activation of this facility has been made.

3. During the comment period in MM Docket #91-127, Cedar filed a counterproposal seeking the allotment of Channel 288C2 to Kiawah Island with the remaining requests in the docket unaffected by this counterproposal. Another commentor in that docket suggested that Channel 287C3 be allotted to Moncks Corner as an alternative to Channel 287C2. Therefore, the Commission had before it three proposals involving Cedar's facility (Channel 287C2 to Moncks Corner; Channel 287C3 to Moncks Corner; or Channel 288C2 to Kiawah Island).

4. In the first Report and Order in MM Docket #91-127, the Commission activated several new allotments and initially denied the Channel 287C2 request by Cedar deciding instead to allot a Class A channel (Channel 286A) to Branchville, South Carolina, as that community's first local service. The Commission recognized that this allotment to Branchville would preclude the allotment of Channel 287C2 to Moncks Corner.²

5. The second Report and Order in MM Docket #91-127 considered Cedar's requested upgrade to Channel 288C2 and reallocation to Kiawah Island or the alternate upgrade on Channel 287 to a C3 facility in Moncks Corner. The Commission analyzed the Kiawah Island request comparing the number of services

2) First Report and Order, MM Docket #91-127, released June 19, 1992 - see Footnote 13.

available to both Moncks Corner and Kiawah Island. In its findings, the Commission noted that Kiawah Island was receiving service from seven AM stations and sixteen FM stations, with Moncks Corner receiving service from one AM station and fourteen FM stations. The Commission also noted the potential population gains of Channel 288C2 at Kiawah Island versus the licensed Class A station in Moncks Corner. The Commission was, however, concerned about the theoretical loss of service to areas north of Moncks Corner that would be unable to receive the improved Channel 288C2 at Kiawah Island (based on the reference site). The Commission was further concerned about the removal of 1.0 mV/m service over Moncks Corner. The Staff calculated there were 21,904 persons in this overall loss area. Based on this loss issue, the Commission allotted Channel 287C3 to Moncks Corner denying Cedar's counterproposal for Kiawah Island.

DISCUSSION

6. This instant request by Cedar again asks the Commission to allot Channel 288C2 to Kiawah Island in substitution for the present facility in Moncks Corner. While the Commission did allot Channel 287C3 to Moncks Corner with the subsequent filing of an application for construction permit for the upgraded facility, Channel 287C3 has not been activated in Moncks Corner. Cedar's original Channel 288C2 proposal placed the reference

site an existing tower close to Kiawah Island. This was merely a hypothetical allocation site. The reference site in this instant proceeding is as close as physically possible to Moncks Corner to minimize the loss to Moncks Corner and areas north. Cedar recognizes the fact that there will still be some theoretical loss to the northern part of Moncks Corner and areas in northern Berkeley County, South Carolina. These loss areas are based on the licensed Class A facility as compared to the theoretical 1.0 mV/m contour from the reference site.³

7. As will be shown, the loss calculations are based on the proposed rule making site in this instant request when compared to the licensed Class A facility. There are various other areas where Channel 288C2 could be located (for application purposes) by utilizing §73.215 methodology. This would enable the station to provide better than 1.0 mV/m coverage of Moncks Corner and city grade service over all of Kiawah Island in an effort to minimize potential loss while remaining in compliance

- 3) WJYQ's Class A facility has been off the air for a great deal of time for the past four years. Some of this time was due to the reconstruction of the WJYQ antenna tower following Hurricane Hugo. Restoration of that facility was made in 1992, however, pursuant to Commission authority, the station has remained dark for longer than two years. The public has not, therefore, received had service from this station for some time. Any loss is truly theoretical since the listening public has already "lost" WJYQ. No comparison was made between Channel 288C2 at Kiawah Island and Channel 287C3 at Moncks Corner, since the C3 facility has never been operational.

with the Commission's regulations. The two major impediments to locating Channel 288C2 are Channel 288C3 in Darlington, South Carolina, and WZNY, Channel 289C, Augusta, Georgia.⁴

8. The allotment of Channel 288C2 to Kiawah is mutually exclusive with the present Class A licensed facility of WJYQ at Moncks Corner (and the authorized construction permit facility on Channel 287C3 at Moncks Corner). The removal of WJYQ from Moncks Corner will not deprive the community of its only locally licensed broadcast outlet since AM station WMCJ, 950 kHz, Moncks Corner, remains licensed to the community. Further, as a practical matter, WJYQ, by virtue of the application criteria available to it, will likely provide a 1.0 mV/m contour over Moncks Corner.⁵ Neither Moncks Corner nor Kiawah Island is located in the adjacent Charleston Urbanized Area. Although WJYQ, both as a Class A and C3 facility, provides or would

- 4) WDAR-FM has recently filed an application to effectuate its upgrade to C3 at its currently licensed Class A transmitter site. At this location, WDAR-FM has invoked §73.215 contour protection to a Class A station in Fairbluff, North Carolina, and a licensed facility in Sanford, North Carolina. The WDAR-FM application is 2.59 kilometers closer to Moncks Corner than the Channel 288C3 allocation site at Darlington. WZNY, Augusta, Georgia, is presently licensed under §73.215 rules at the request of the licensee. Therefore, WDAR-FM and WZNY, while being protected as maximum class facilities for the purposes of rule making would be protected under §73.215 rules in an application. This provides additional latitude to WJYQ at the application stage.
- 5) Of the FM stations serving Moncks Corner, seven provide service to the entire WJYQ Class A licensed 1.0 mV/m contour: WXTC, WSSX, WEZL, WWWZ, WXLY, WAVF and WBUB.

provide service to the urbanized area, the same will be true of the Kiawah Island facility. Therefore, the request should not be considered as a move into an urbanized area since the station presently services that area and will continue to do so.

REQUEST

9. Cedar requests that Channel 288C2 be allotted to Kiawah Island at reference coordinates North Latitude $32^{\circ} 43'38''$ and West Longitude $80^{\circ}00'05''$. This represents a site restriction 13.1 kilometers north-northeast of the community.⁶ From this location, a 3.16 mV/m contour will be delivered over Kiawah Island. Exhibit #1 is a usable area study which denotes the area available under §73.207 spacing requirements for use for a transmitter site for Channel 288C2 at Kiawah Island. Exhibit #2 is a §73.207 spacing study which demonstrates that from the allocation reference site Channel 288C2 meets the necessary spacing requirements to all licensed, applied for or proposed facilities (with the exception of the WJYQ licensed facility and construction permit at Moncks Corner).

6) No actual site restriction is necessary from the community, however, this site was selected to place it as close as possible to Moncks Corner.

10. Therefore, Cedar requests the following amendment to the Commission's Table of FM Allotments:

Kiawah Island, South Carolina

Present
None

Proposed
288C2

Moncks Corner, South Carolina

Present
287C3

Proposed
None⁷

PUBLIC INTERESTS ASPECTS

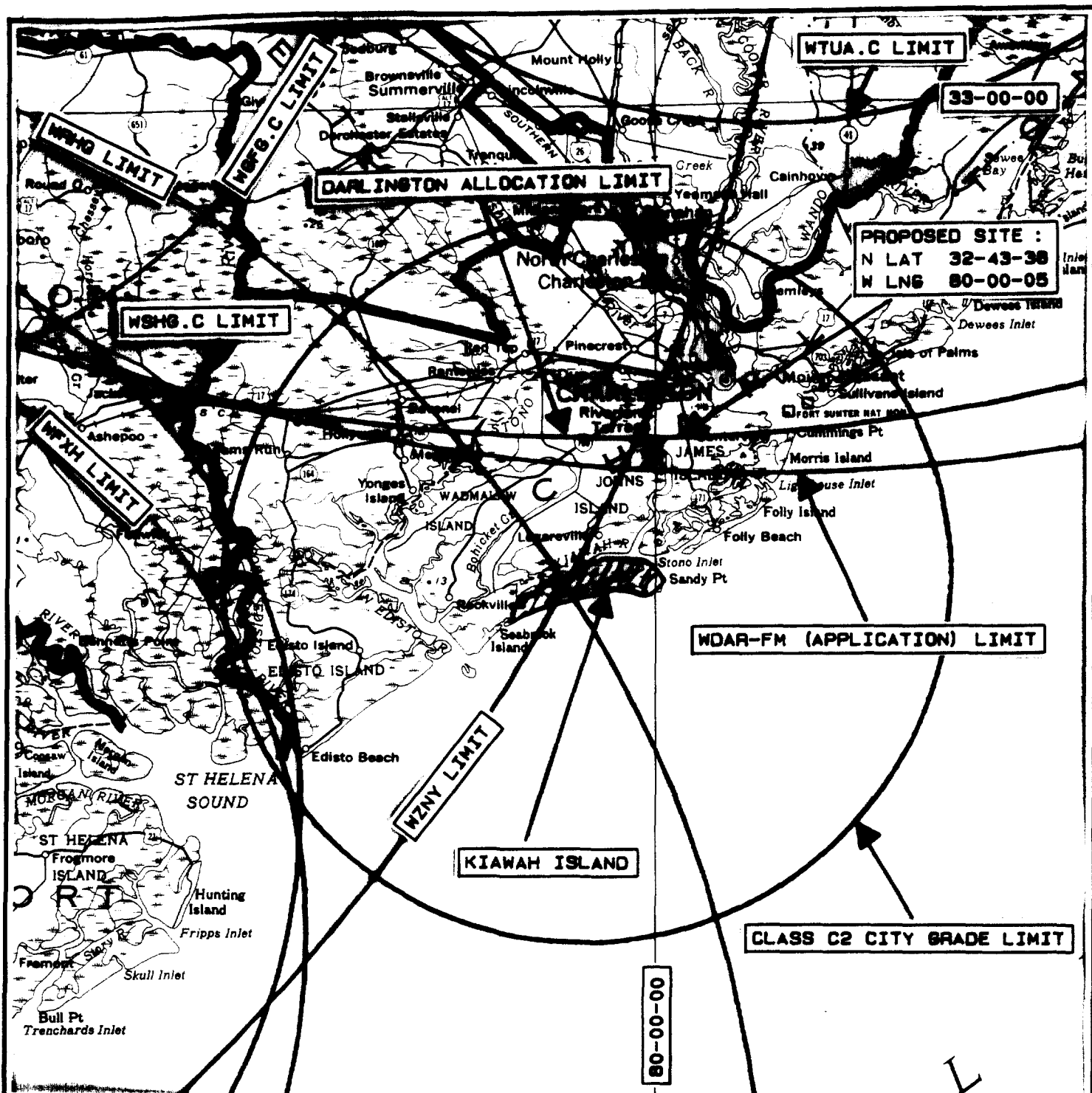
11. The allocation of Channel 288C2 to Kiawah Island will provide this community with its first local broadcast outlet.⁸ Moncks Corner will not be deprived of its only local broadcast outlet since WMJC will remain licensed to the community. An upgraded WJYQ would provide service to 468,867 persons as compared to the present Class A population of 226,341 persons. Considering the persons who would no longer be able to receive service from WJYQ by virtue of the theoretical reference point (7,712 persons)⁹ and removing the persons who would continue to

- 7) WMJC, 950 kHz, Moncks Corner, will remain licensed to the community.
- 8) In MM Docket #91-127, the Commission agreed that Kiawah Island is a community for allotment purposes (Paragraph 5, Second Report and Order).
- 9) This population will continue to receive service from seven other FM stations; WXTC, Charleston; WSSK-FM, Charleston; WEZL, Charleston; WWWZ, Summerville; WKKY, North Charleston; WAVF, Hanahan; and WBUB, St. George (all South Carolina).

receive WJYQ service (218,629 persons), a net gain of 250,238 persons would receive new service from an upgraded WJYQ operating on Channel 288C2 from Kiawah Island.¹⁰ The map used to determine the theoretical loss area is attached as Exhibit #3. This map details the area which will not receive 1.0 mV/m service from Channel 288C2 at Kiawah Island. It also demonstrates that the theoretical 1.0 mV/m contour does encompass Moncks Corner. This allocation provides first local service to Kiawah Island without depriving Moncks Corner service. The allocation is not from a rural community to an urbanized community, rather from one rural community to another rural community, Cedar requests the Commission upgrade WJYQ from Channel 287C3 to Channel 288C2 and reallocate the improved channel to Kiawah Island, South Carolina.¹¹

12. The foregoing technical statement was prepared on behalf of Cedar Carolina Limited Partnership by Graham Brock, Inc., its Technical Consultants. All information contained in this report is true and accurate to the best of our belief and knowledge. All data relating to FM allocation was extracted from the NTIA database as updated on March 27, 1994. We assume no liability for omissions or errors in that database which may be adverse to the requests contained herein.

- 10) The loss area population was calculated using the 1990 Census of Population and Housing Map, 1990 CPH-2-42, US Census of South Carolina Section #3 (American Indian Areas, County Subdivision and Places).
- 11) The map was digitized using a Hewlett Packard 7475A plotter which correctly plotted the WJYQ licensed 1.0 mV/m contour and the proposed Kiawah Island 1.0 mV/m contour (from the reference site).



USABLE AREA CHANNEL 288C2

MAP IS A PORTION OF THE 1: 500,000 SCALE
 U.S.G.S. BASE MAP OF SOUTH CAROLINA.

EXHIBIT #1

PETITION FOR RULE MAKING
 CEDAR CAROLINA LTD PTNRSHP
 ALLOT CHANNEL 288C2
 KIAWAH ISLAND, S. CAROLINA

April 1994

SCALE 1: 500,000

MI 10 0 10 MI
 KM 10 0 10 KM

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR CHANNEL 288C2 KIAWAH ISLAND, SOUTH CAROLINA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C2	DISPLAY DATES
32 43 38 N	Current rules spacings	DATA 03-27-94
80 00 05 W	CHANNEL 288 -105.5 MHz	SEARCH 04-21-94

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WJYQ	288A	Moncks Corner	SC	355.8	40.68	166.0	-125.32
LI CN	33 05 35	80 02 01	2.050 kW	117M	25.3	103.2	
		Cedar Carolina Ltd Partnership			BLH-861218KB		
>*To channel 287C3 Per D91-127							
WJYQ.C	287C3	Moncks Corner	SC	355.8	40.68	117.0	-76.32
CPNXCW	33 05 35	80 02 01	20.000 kW	114M	25.3	72.7	
		Cedar Carolina Ltd Partnership			BPH-930511IB		
* WDARFM	288C3	Darlington	SC	3.4	176.54	177.0	-0.46
AP SCN	34 18 58	79 53 17	17.000 kW	122M	109.7	110.0	
		MEG Associates Ltd Partnership			BPH-931229IC		
WENY	289C	Augusta	GA	294.2	188.01	188.0	0.01
LI ZCN	33 25 15	81 50 19	100.000 kW	356M	116.8	116.8	
		Benchmark Radio Acquisition			BLH-910705KB		
ALOPEN	288C3	Darlington	SC	359.5	179.37	177.0	2.37
AL N	34 20 40	80 01 02	0.000 kW	0M	111.5	110.0	
>Reserved for WDAR-FM - MM Docket #89-326							
WRHQ	287C3	Richmond Hill	GA	234.5	129.74	117.0	12.74
LI CN	32 02 52	81 07 26	11.000 kW	148M	80.6	72.7	
		Thoroughbred Communications, Inc.			BLH-930325KA		
ALOPEN	291A	St. Stephen	SC	7.0	85.61	55.0	30.61
AL N	33 29 36	79 53 21	0.000 kW	0M	53.2	34.2	
>Reserved for WTUA - MM Docket #89-326							
WSHG.C	285C3	Ridgeland	SC	249.5	92.36	56.0	36.36
CP CN	32 26 10	80 55 23	16.000 kW	125M	57.4	34.8	
		Mattox-Guest Broadcasting			BPH-920424ID		
WFXH	291C2	Hilton Head Island	SC	243.5	98.43	58.0	40.43
LI ZCN	32 19 50	80 56 19	10.500 kW	242M	61.2	36.0	
		Adventure Communications, Inc			BLH-910605KC		
WGFG.C	286A	Branchville	SC	307.9	98.83	55.0	43.83
CP CN	33 16 30	80 50 08	6.000 kW	100M	61.4	34.2	
		Eagle of Orangeburg, Inc.			BPH-920925MD		
>First Come First Serve							

ALLOCATION STUDY CHANNEL 288C2

NOTE : THE CLEARANCE TO WDAR-FM IS SHOWN
AS -0.46 KILOMETERS. THIS DISTANCE
ROUNDS TO ZERO, THEREFORE, THIS
PROPOSAL IS CLEAR OF WDAR-FM.

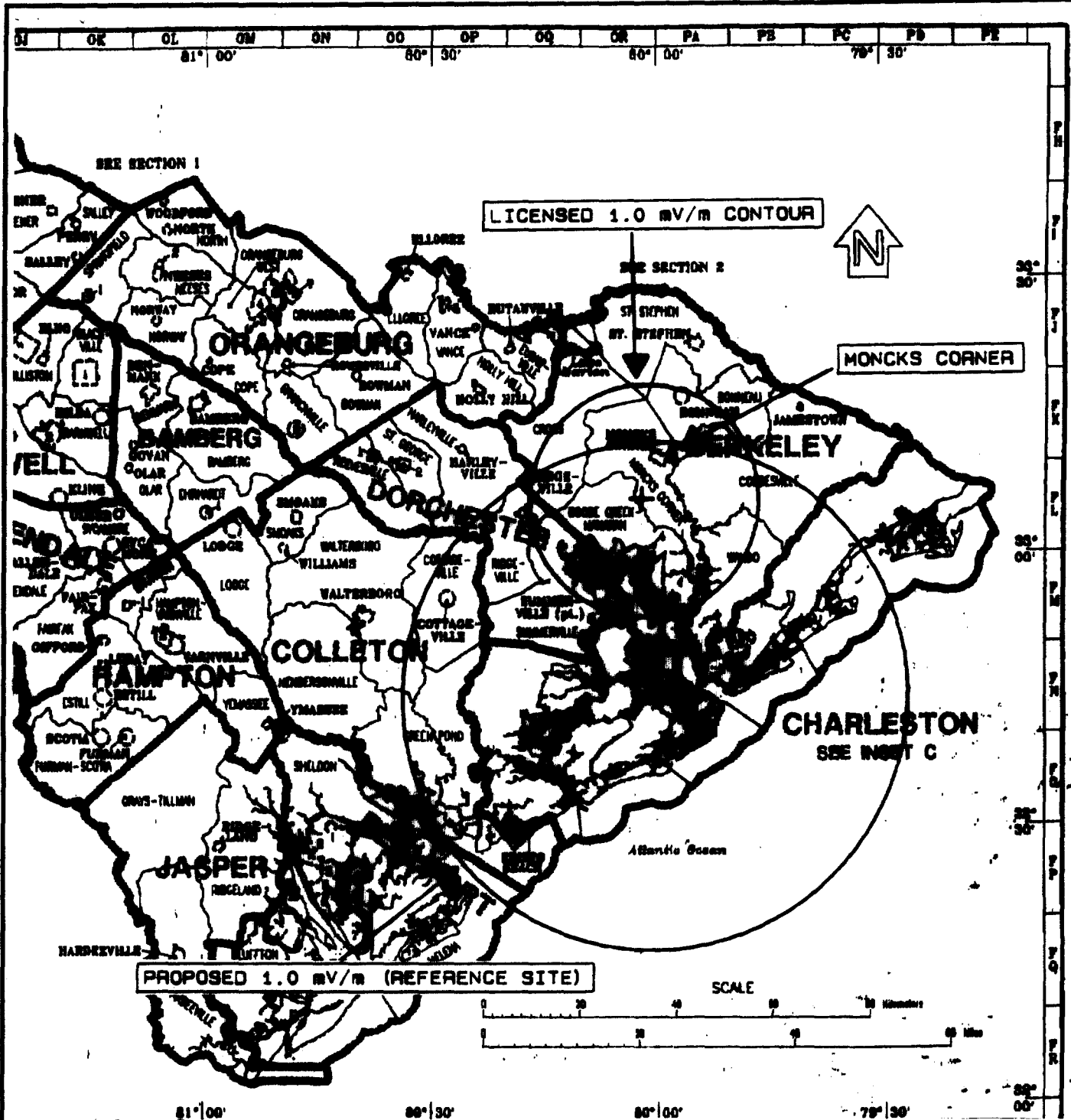
EXHIBIT #2

PETITION FOR RULE MAKING
CEDAR CAROLINA LTD PTNRSHIP
ALLOT CHANNEL 288C2
KIAWAH ISLAND, S. CAROLINA

April 1994

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



COVERAGE COMPARISON

MAP IS A PORTION OF THE 1990 U.S. CENSUS MAP FOR THE STATE OF SOUTH CAROLINA.

PROPOSED C2 COVERAGE IS BLACK CONTOUR.
LICENSED A COVERAGE IS RED CONTOUR.

SEE EXHIBIT #3A FOR TABULATION OF POPULATION DATA.

EXHIBIT #3

PETITION FOR RULE MAKING
CEDAR CAROLINA LTD PTRNSHP
ALLOT CHANNEL 288C2
KIAWAH ISLAND, S. CAROLINA

April 1994

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island)ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Cedar Carolina Limited partnership, licensee of Radio Station WJYQ, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

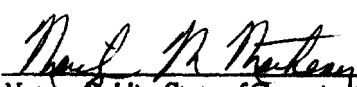
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 25th day of April, 1994



Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 25th day of April, 1994



Notary Public, State of Georgia
My Commission Expires: September 8, 1995